

SECOND REGULAR SESSION

SENATE BILL NO. 898

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAXWELL.

Read 1st time February 10, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3812.011

AN ACT

To repeal sections 320.300, 320.302, 320.305 and 320.307, RSMo 1994, relating to fire protection districts, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 320.300, 320.302, 320.305 and 320.307, RSMo 1994, are repealed and four new sections enacted in lieu thereof, to be known as sections 320.300, 320.302, 320.305 and 320.307, to read as follows:

320.300. As used in sections 320.300 to 320.310, the phrase "volunteer fire protection association" means any fire department which is **[manned] staffed** by volunteers and organized for the purpose of combating fires in a specified area. The provisions of sections 320.300 to 320.310 shall apply only to volunteer fire protection associations either partially or wholly funded by membership or subscriber fees and shall not apply to fire protection districts supported by local tax revenues, or which has contracted with a political subdivision to respond to fires within the area of an association's boundaries.

320.302. 1. Volunteer fire protection associations may respond to any **[fire] emergency** within its area regardless of whether the property owner **or individual** is a member of or subscriber to the association.

2. In responding to **[fires] emergencies** of nonmembers or nonsubscribers of the association, the association and its firefighters shall be subject to the same liabilities for claims for death or injury to persons or property as those subjected to when responding to **[fires] emergencies** of members or subscribers.

3. In responding to **[fires] emergencies** of nonmembers or nonsubscribers, the volunteer

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

fire protection association may charge up to the following fees:

- (1) One hundred dollars for responding to [a fire call or alarm] **an emergency**;
- (2) Five hundred dollars for each hour or a proportional sum for each quarter hour spent in [combating a fire] **providing emergency services**; plus
- (3) An amount equal to one year's subscription or membership fees.

No property owner **or individual** shall be liable for fees or charges under this subsection if said property owner **or individual** notifies the volunteer fire protection association in writing, prior to the occurrence of [a fire] **an emergency**, not to respond to [a fire] **an emergency** on **or involving** his property.

4. Upon payment of the charges and fees set forth in subsection 3 of this section, the property owner **or individual** shall be deemed to be a member or subscriber in good standing until membership or subscriber payments are again due as prescribed by association rules and regulations.

320.305. 1. When making a claim for a loss to property, each owner of an insured property, who is not a member or subscriber of an association but who received services from a volunteer fire protection association, shall notify his property or casualty insurance company of the name, address and billing statement from the volunteer fire protection association which responded to a call for [fire protection] **emergency** assistance at such property.

2. Failure to comply with the provisions of subsection 1 of this section is a class A misdemeanor.

3. In paying a claim to an insured who received the services of a volunteer fire protection association any property or casualty insurance company shall make checks payable to the order of both the insured and the volunteer fire protection association, and the property owner **or individual** shall make full payment to the association within thirty days after receipt of a loss settlement check from an insurance carrier.

4. Failure to comply with the provisions of subsection 3 of this section shall be deemed to be a class A misdemeanor.

320.307. If payment is not made pursuant to section 320.305, a volunteer fire protection association shall have a cause of action against the property owner **or individual** for full payment and for additional damages not to exceed ten thousand dollars.

✓